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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

FRED MEYER STORES, INC.,

Defendant.

CIVIL ACTION NO.

CV '11 - 832 HA

COMPLAINT
Title VII Action
DEMAND FOR JURY TRIAL

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COMPLAINT AND JURY TRIAL DEMAND
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NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Charging Party Laura Morrow ("Ms. Morrow"), Class Member Kelli O'Neal ("Ms. O'Neal"), Class Member Victoria Settle ("Ms. Settle"), and a class of similarly situated individuals. The Equal Employment Opportunity Commission alleges that defendant Fred Meyer Stores, Inc. (hereinafter, "Fred Meyer" or "Defendant") subjected Ms. Morrow, Ms. O'Neal, Ms. Settle, and similarly situated female employees to a sexually hostile work environment because of their sex (female). Plaintiff seeks monetary relief, including pecuniary and non-pecuniary compensatory and punitive damages, and injunctive relief, on behalf of Ms. Morrow, Ms. O'Neal, Ms. Settle, and a class of similarly situated employees.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Oregon.

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PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times, defendant Fred Meyer has been a corporation continuously doing business in the State of Oregon and has continuously had at least 15 employees.

5. At all relevant times, defendant Fred Meyer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Ms. Morrow filed a charge with the Commission alleging violations of Title VII by Fred Meyer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From approximately March 2009 through June 2009, defendant engaged in unlawful employment practices at its Oak Grove facility in violation of § 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). Defendant engaged in these unlawful practices by subjecting Ms. Morrow, Ms. O'Neal, Ms. Settle, and a class of similarly situated employees to harassment because of their sex, female.

8. The practices complained of in paragraph 7 by Ms. Morrow, Ms. O'Neal, Ms. Settle, and similarly situated employees include, but are not limited to, the following: defendant's regular customer, Charles Janac ("Janac") touched Ms. Morrow's breast, groped her knee, and rubbed up against Ms. Morrow's body. When Ms. Morrow complained to defendant about the hostile work environment at defendant's store due to Janac's conduct, defendant failed to effectively respond in a manner likely to end or prevent the harassing conduct, and instead directed Ms. Morrow to continue serving Janac as a regular customer. Janac continued to frequent defendant's store on nearly a daily basis and sit on a bench near the employee's time clock. Janac grabbed the breast of Ms. Settle, pulled her to sit on his lap, and touched her buttocks. Janac grabbed the breast of Ms. O'Neal.

9. The effect of the practices complained of in paragraphs 7 and 8 above has been to deprive Ms. Morrow, Ms. O'Neal, Ms. Settle and those similarly situated of equal employment opportunities and otherwise adversely affected their status as employees.

10. The unlawful employment practices complained of in paragraphs 7 and 8 above were intentional.

11. The unlawful employment practices complained of in paragraphs 7 and 8 above were done with malice or with reckless indifference to the federally protected rights of Charging Party Morrow, Class Members O'Neal and Settle, and those similarly situated.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate.

B. Order defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order defendant to make whole Ms. Morrow, Ms. O'Neal, Ms. Settle, and those similarly situated by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 8 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

D. Order defendant to make whole Ms. Morrow, Ms. O'Neal, Ms. Settle and those similarly situated by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 8 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order defendant to pay Ms. Morrow, Ms. O'Neal, Ms. Settle, and those similarly situated punitive damages for its malicious and reckless conduct described in paragraphs 7 and 8 above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 11th day of July, 2011.

WILLIAM TAMAYO
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General Counsel

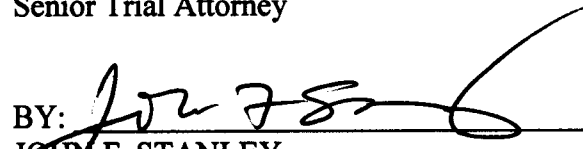
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